

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1882

**Introduced by Assembly Member Cooley
(Principal coauthor: Assembly Member Dickinson)**

February 19, 2014

An act to amend Sections 309, 361.45, 11450, *11465*, and 11477.02 of, and to add Section 13758 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1882, as amended, Cooley. CalWORKs: relative caregivers.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients.

This bill would specify certain additional amounts to be paid under the CalWORKs program to a child *who is placed in the home of a relative caregiver; and is the subject of a voluntary placement agreement or subject to the jurisdiction of the juvenile court, as provided*, including, *among others*, reimbursement for the cost of reasonable travel for the child to remain in the school in which he or she is enrolled at the time of placement, a specialized care increment, ~~as defined~~, and a clothing allowance, as specified.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children

in foster care. Under existing law, a child is eligible for AFDC-FC if he or she is placed in the approved home of a relative and is otherwise eligible for federal financial participation in the AFDC-FC payment, as specified.

Under existing law, if the county welfare department places a child who is in temporary custody or subject to the jurisdiction of the juvenile court with a relative or nonrelative extended family member, as defined, the county is required to evaluate and approve or deny the home for purposes of AFDC-FC eligibility.

This bill would additionally require the county to evaluate and approve or deny the home for purposes of CalWORKs eligibility, *and would require the placing agency to initiate the applications for AFDC-FC and CalWORKs*. The bill would also require the county social worker to explain to the relative, either in person or by telephone, the eligibility requirements and benefit amounts for the AFDC-FC and CalWORKs programs as well as any actions the relative could take to affect the child's eligibility for those programs. By requiring *placing agencies and* county social workers to provide these services, this bill would impose a state-mandated local program.

Existing law requires that every youth who is in foster care and nearing emancipation be screened by the county for potential eligibility for the federal Supplemental Security Income (SSI) program.

This bill would require that every youth who is in foster care and has been determined to be ineligible for AFDC-FC benefits be screened by the county for potential eligibility for the SSI program. By imposing this additional duty on counties, this bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 309 of the Welfare and Institutions Code
2 is amended to read:

3 309. (a) Upon delivery to the social worker of a child who has
4 been taken into temporary custody under this article, the social
5 worker shall immediately investigate the circumstances of the child
6 and the facts surrounding the child's being taken into custody and
7 attempt to maintain the child with the child's family through the
8 provision of services. The social worker shall immediately release
9 the child to the custody of the child's parent, guardian, or
10 responsible relative, regardless of the parent's, guardian's, or
11 relative's immigration status, unless one or more of the following
12 conditions exist:

13 (1) The child has no parent, guardian, or responsible relative;
14 or the child's parent, guardian, or responsible relative is not willing
15 to provide care for the child.

16 (2) Continued detention of the child is a matter of immediate
17 and urgent necessity for the protection of the child and there are
18 no reasonable means by which the child can be protected in his or
19 her home or the home of a responsible relative.

20 (3) There is substantial evidence that a parent, guardian, or
21 custodian of the child is likely to flee the jurisdiction of the court.

22 (4) The child has left a placement in which he or she was placed
23 by the juvenile court.

24 (5) The parent or other person having lawful custody of the
25 child voluntarily surrendered physical custody of the child pursuant
26 to Section 1255.7 of the Health and Safety Code and did not
27 reclaim the child within the 14-day period specified in subdivision
28 (e) of that section.

29 (b) In any case in which there is reasonable cause for believing
30 that a child who is under the care of a physician and surgeon or a
31 hospital, clinic, or other medical facility and cannot be immediately
32 moved and is a person described in Section 300, the child shall be
33 deemed to have been taken into temporary custody and delivered
34 to the social worker for the purposes of this chapter while the child
35 is at the office of the physician and surgeon or the medical facility.

36 (c) If the child is not released to his or her parent or guardian,
37 the child shall be deemed detained for purposes of this chapter.

(d) (1) If an able and willing relative, as defined in Section 319, or an able and willing nonrelative extended family member, as defined in Section 362.7, is available and requests temporary placement of the child pending the detention hearing, the county welfare department shall initiate an assessment of the relative's or nonrelative extended family member's suitability, which shall include an in-home inspection to assess the safety of the home and the ability of the relative or nonrelative extended family member to care for the child's needs, ~~and~~ a consideration of the results of a criminal records check conducted pursuant to subdivision (a) of Section 16504.5, and a check of allegations of prior child abuse or neglect concerning the relative or nonrelative extended family member and other adults in the home. A relative's identification card from a foreign consulate or foreign passport shall be considered a valid form of identification for conducting a criminal records check and fingerprint clearance check under this subdivision. Upon completion of this assessment, the child may be placed in the assessed home. For purposes of this paragraph, and except for the criminal records check conducted pursuant to subdivision (a) of Section 16504.5, the standards used to determine suitability shall be the same standards set forth in the regulations for the licensing of foster family homes.

(2) Immediately following the placement of a child in the home of a relative or a nonrelative extended family member, the county welfare department shall evaluate and approve or deny the home for purposes of AFDC-FC eligibility pursuant to Section 11402 and CalWORKs eligibility pursuant to Article 2 (commencing with Section 11250) of Chapter 2 of Part 3 of Division 9. *The placing agency shall initiate the applications for AFDC-FC and CalWORKs.* If the county determines that the child is not eligible for AFDC-FC benefits, the county welfare department shall explain the specific basis for this determination and shall immediately screen the child for eligibility for the federal Supplemental Security Income program in accordance with Section 13758. If aid is granted under the AFDC-FC or CalWORKs program, the beginning date of aid shall be the date the child was placed with the relative or nonrelative extended family member.

(3) The standards used to evaluate and grant or deny approval of the home of the relative and of the home of a nonrelative extended family member, as described in Section 362.7, shall be

1 the same standards set forth in regulations for the licensing of
2 foster family homes which prescribe standards of safety and
3 sanitation for the physical plant and standards for basic personal
4 care, supervision, and services provided by the caregiver.

5 (4) To the extent allowed by federal law, as a condition of
6 receiving funding under Title IV-E of the federal Social Security
7 Act (42 U.S.C. Sec. 670 et seq.), if a relative or nonrelative
8 extended family member meets all other conditions for approval,
9 except for the receipt of the Federal Bureau of Investigation's
10 criminal history information for the relative or nonrelative extended
11 family member, and other adults in the home, as indicated, the
12 county welfare department may approve the home and document
13 that approval, if the relative or nonrelative extended family
14 member, and each adult in the home, has signed and submitted a
15 statement that he or she has never been convicted of a crime in the
16 United States, other than a traffic infraction as defined in paragraph
17 (1) of subdivision (a) of Section 42001 of the Vehicle Code. If,
18 after the approval has been granted, the department determines
19 that the relative or nonrelative extended family member or other
20 adult in the home has a criminal record, the approval may be
21 terminated.

22 (5) If the criminal records check indicates that the person has
23 been convicted of a crime for which the Director of Social Services
24 cannot grant an exemption under Section 1522 of the Health and
25 Safety Code, the child shall not be placed in the home. If the
26 criminal records check indicates that the person has been convicted
27 of a crime for which the Director of Social Services may grant an
28 exemption under Section 1522 of the Health and Safety Code, the
29 child shall not be placed in the home unless a criminal records
30 exemption has been granted by the county based on substantial
31 and convincing evidence to support a reasonable belief that the
32 person with the criminal conviction is of such good character as
33 to justify the placement and not present a risk of harm to the child.

34 (e) (1) If the child is removed, the social worker shall conduct,
35 within 30 days, an investigation in order to identify and locate all
36 grandparents, adult siblings, and other adult relatives of the child,
37 as defined in paragraph (2) of subdivision (f) of Section 319,
38 including any other adult relatives suggested by the parents. The
39 social worker shall provide to all adult relatives who are located,
40 except when that relative's history of family or domestic violence

1 makes notification inappropriate, within 30 days of removal of the
2 child, written notification and shall also, whenever appropriate,
3 provide oral notification, in person or by telephone, of all the
4 following information:

5 (A) The child has been removed from the custody of his or her
6 parent or parents, or his or her guardians.

7 (B) An explanation of the various options to participate in the
8 care and placement of the child and support for the child's family,
9 including any options that may be lost by failing to respond. The
10 notice shall provide information about providing care for the child
11 while the family receives reunification services with the goal of
12 returning the child to the parent or guardian, how to become a
13 foster family home or approved relative or nonrelative extended
14 family member as defined in Section 362.7, and additional services
15 and support that are available in out-of-home placements. The
16 notice shall also include a summary of the eligibility requirements,
17 application procedures, and benefit amounts for the AFDC-FC
18 program (Article 5 (commencing with Section 11400) of Chapter
19 2 of Part 3 of Division 9), including any specialized care
20 increments, as described in Section 11461, the Kin-GAP Program
21 (Article 4.5 (commencing with Section 11360) of Chapter 2 of
22 Part 3 of Division 9), the CalWORKs program for approved
23 relative caregivers (Chapter 2 (commencing with Section 11200)
24 of Part 3 of Division 9), adoption, and adoption assistance (Chapter
25 2.1 (commencing with Section 16115) of Part 4 of Division 9), as
26 well as other options for contact with the child, including, but not
27 limited to, visitation. The State Department of Social Services, in
28 consultation with the County Welfare Directors Association of
29 California and other interested stakeholders, shall develop the
30 written notice.

31 (2) The social worker shall also provide the adult relatives
32 notified pursuant to paragraph (1) with a relative information form
33 to provide information to the social worker and the court regarding
34 the needs of the child. The form shall include a provision whereby
35 the relative may request the permission of the court to address the
36 court, if the relative so chooses. The Judicial Council, in
37 consultation with the State Department of Social Services and the
38 County Welfare Directors Association of California, shall develop
39 the form.

1 (3) The social worker shall use due diligence in investigating
2 the names and locations of the relatives pursuant to paragraph (1),
3 including, but not limited to, asking the child in an age-appropriate
4 manner about relatives important to the child, consistent with the
5 child's best interest, and obtaining information regarding the
6 location of the child's adult relatives. Each county welfare
7 department shall create and make public a procedure by which
8 relatives of a child who has been removed from his or her parents
9 or guardians may identify themselves to the county welfare
10 department and be provided with the notices required by paragraphs
11 (1) and (2).

12 (f) In addition to the notice required by subdivision (e), if a
13 relative requests placement of the child, the county social worker
14 shall explain to the relative, either in person or by telephone, the
15 eligibility requirements and benefit amounts for the AFDC-FC
16 and CalWORKs programs as well as any actions the relative could
17 take to affect the child's eligibility for those programs.

18 SEC. 2. Section 361.45 of the Welfare and Institutions Code
19 is amended to read:

20 361.45. (a) Notwithstanding any other provision of law, when
21 the sudden unavailability of a foster caregiver requires a change
22 in placement on an emergency basis for a child who is under the
23 jurisdiction of the juvenile court pursuant to Section 300, if an able
24 and willing relative, as defined in Section 319, or an able and
25 willing nonrelative extended family member, as defined in Section
26 362.7, is available and requests temporary placement of the child
27 pending resolution of the emergency situation, the county welfare
28 department shall initiate an assessment of the relative's or
29 nonrelative extended family member's suitability, which shall
30 include an in-home inspection to assess the safety of the home and
31 the ability of the relative or nonrelative extended family member
32 to care for the child's needs, and a consideration of the results of
33 a criminal records check conducted pursuant to Section 16504.5
34 and a check of allegations of prior child abuse or neglect
35 concerning the relative or nonrelative extended family member
36 and other adults in the home. Upon completion of this assessment,
37 the child may be placed in the assessed home. For purposes of this
38 paragraph, and except for the criminal records check conducted
39 pursuant to Section 16504.5, the standards used to determine

1 suitability shall be the same standards set forth in the regulations
2 for the licensing of foster family homes.

3 (b) Immediately following the placement of a child in the home
4 of a relative or a nonrelative extended family member, the county
5 welfare department shall evaluate and approve or deny the home
6 for purposes of AFDC-FC eligibility pursuant to Section 11402
7 and CalWORKs eligibility pursuant to Article 2 (commencing
8 with Section 11250) of Chapter 2 of Part 3 of Division 9. *The*
9 *placing agency shall initiate the applications for AFDC-FC and*
10 *CalWORKs. If the county determines that the child is not eligible*
11 *for AFDC-FC benefits, the county welfare department shall explain*
12 *the specific basis for this determination and shall immediately*
13 *screen the child for eligibility for the federal Supplemental Security*
14 *Income program in accordance with Section 13758. If aid is*
15 *granted under either the AFDC-FC or CalWORKs program, the*
16 *beginning date of aid shall be the date the child was placed with*
17 *the relative or nonrelative extended family member.*

18 (c) The standards used to evaluate and grant or deny approval
19 of the home of the relative and of the home of a nonrelative
20 extended family member, as described in Section 362.7, shall be
21 the same standards set forth in regulations for the licensing of
22 foster family homes which prescribe standards of safety and
23 sanitation for the physical plant and standards for basic personal
24 care, supervision, and services provided by the caregiver.

25 (d) If a relative or nonrelative extended family member, and
26 other adults in the home, as indicated, meets all other conditions
27 for approval, except for the receipt of the Federal Bureau of
28 Investigation's criminal history information for the relative or
29 nonrelative extended family member, the county welfare
30 department may approve the home and document that approval,
31 if the relative or nonrelative extended family member, and each
32 adult in the home, has signed and submitted a statement that he or
33 she has never been convicted of a crime in the United States, other
34 than a traffic infraction as defined in paragraph (1) of subdivision
35 (a) of Section 42001 of the Vehicle Code. If, after the approval
36 has been granted, the department determines that the relative or
37 nonrelative extended family member or other adult in the home
38 has a criminal record, the approval may be terminated.

39 (e) (1) If a nonminor dependent, as defined in subdivision (v)
40 of Section 11400, is placed in the home of a relative or nonrelative

1 extended family member, the home shall be approved using the
2 same standards set forth in regulations as described in Section
3 1502.7 of the Health and Safety Code.

4 (2) The department, in consultation with representatives of the
5 Legislature, the County Welfare Directors Association, the Chief
6 Probation Officers of California, the California Youth Connection,
7 the Judicial Council, former foster youth, child advocacy
8 organizations, dependency counsel for children, juvenile justice
9 advocacy organizations, foster caregiver organizations, labor
10 organizations, and representatives of Indian tribes, shall revise
11 regulations regarding health and safety standards for approving
12 relative homes in which nonminor dependents, as defined in
13 subdivision (v) of Section 11400, of the juvenile court are placed
14 under the responsibility of the county welfare or probation
15 department, or an Indian tribe that entered into an agreement
16 pursuant to Section 10553.1.

17 (3) Notwithstanding the Administrative Procedure Act (Chapter
18 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
19 Title 2 of the Government Code), the department, in consultation
20 with the stakeholders listed in paragraph (2), shall prepare for
21 implementation of the applicable provisions of this section by
22 publishing all-county letters or similar instructions from the director
23 by October 1, 2011, to be effective January 1, 2012. Emergency
24 regulations to implement this section may be adopted by the
25 director in accordance with the Administrative Procedure Act. The
26 initial adoption of the emergency regulations and one readoption
27 of the initial regulations shall be deemed to be an emergency and
28 necessary for the immediate preservation of the public peace,
29 health, safety, or general welfare. Initial emergency regulations
30 and the first readoption of those emergency regulations shall be
31 exempt from review by the Office of Administrative Law. The
32 emergency regulations authorized by this section shall be submitted
33 to the Office of Administrative Law for filing with the Secretary
34 of State and shall remain in effect for no more than 180 days.

35 SEC. 3. Section 11450 of the Welfare and Institutions Code is
36 amended to read:

37 11450. (a) (1) Aid shall be paid for each needy family, which
38 shall include all eligible brothers and sisters of each eligible
39 applicant or recipient child and the parents of the children, but
40 shall not include unborn children, or recipients of aid under Chapter

3 (commencing with Section 12000), qualified for aid under this chapter. In determining the amount of aid paid, and notwithstanding the minimum basic standards of adequate care specified in Section 11452, the family's income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (e) or Section 11453.1, determined for the prospective semiannual period pursuant to Sections 11265.1, 11265.2, and 11265.3, and then calculated pursuant to Section 11451.5, shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), (f), and (g):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of *former* Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) (1) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant mother who is 18 years of age or younger at any time after verification of pregnancy, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the mother, and child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision.

(2) Notwithstanding paragraph (1), when the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant mother for the month in which the birth is anticipated and for the three-month period immediately prior to the month in which the birth is anticipated in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the mother and child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision.

(3) Paragraph (1) shall apply only when the Cal-Learn Program (*Article 3.5 (commencing with Section 11331)*) is operative.

(c) The amount of forty-seven dollars (\$47) per month shall be paid to pregnant mothers qualified for aid under subdivision (a) or (b) to meet special needs resulting from pregnancy if the mother, and child, if born, would have qualified for aid under this chapter. County welfare departments shall refer all recipients of aid under this subdivision to a local provider of the Women, Infants and Children program *described in Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code*. If that payment to pregnant mothers qualified for aid under subdivision (a) is considered income under federal law in the first five months of pregnancy, payments under this subdivision shall not apply to persons eligible under subdivision (a), except

1 for the month in which birth is anticipated and for the three-month
2 period immediately prior to the month in which delivery is
3 anticipated, if the mother, and the child, if born, would have
4 qualified for aid under this chapter.

5 (d) For children receiving AFDC-FC under this chapter, there
6 shall be paid, exclusive of any amount considered exempt as
7 income, an amount of aid each month which, when added to the
8 child's income, is equal to the rate specified in Section 11460,
9 11461, 11462, 11462.1, or 11463. In addition, the child shall be
10 eligible for special needs, as specified in departmental regulations.

11 (e) In addition to the amounts payable under subdivision (a)
12 and Section 11453.1, a family shall be entitled to receive an
13 allowance for recurring special needs not common to a majority
14 of recipients. These recurring special needs shall include, but not
15 be limited to, special diets upon the recommendation of a physician
16 for circumstances other than pregnancy, and unusual costs of
17 transportation, laundry, housekeeping services, telephone, and
18 utilities. The recurring special needs allowance for each family
19 per month shall not exceed that amount resulting from multiplying
20 the sum of ten dollars (\$10) by the number of recipients in the
21 family who are eligible for assistance.

22 (f) After a family has used all available liquid resources, both
23 exempt and nonexempt, in excess of one hundred dollars (\$100),
24 with the exception of funds deposited in a restricted account
25 described in subdivision (a) of Section 11155.2, the family shall
26 also be entitled to receive an allowance for nonrecurring special
27 needs.

28 (1) An allowance for nonrecurring special needs shall be granted
29 for replacement of clothing and household equipment and for
30 emergency housing needs other than those needs addressed by
31 paragraph (2). These needs shall be caused by sudden and unusual
32 circumstances beyond the control of the needy family. The
33 department shall establish the allowance for each of the
34 nonrecurring special need items. The sum of all nonrecurring
35 special needs provided by this subdivision shall not exceed six
36 hundred dollars (\$600) per event.

37 (2) Homeless assistance is available to a homeless family
38 seeking shelter when the family is eligible for aid under this
39 chapter. Homeless assistance for temporary shelter is also available
40 to homeless families which are apparently eligible for aid under

1 this chapter. Apparent eligibility exists when evidence presented
2 by the applicant, or which is otherwise available to the county
3 welfare department, and the information provided on the
4 application documents indicate that there would be eligibility for
5 aid under this chapter if the evidence and information were verified.
6 However, an alien applicant who does not provide verification of
7 his or her eligible alien status, or a woman with no eligible children
8 who does not provide medical verification of pregnancy, is not
9 apparently eligible for purposes of this section.

10 A family is considered homeless, for the purpose of this section,
11 when the family lacks a fixed and regular nighttime residence; or
12 the family has a primary nighttime residence that is a supervised
13 publicly or privately operated shelter designed to provide temporary
14 living accommodations; or the family is residing in a public or
15 private place not designed for, or ordinarily used as, a regular
16 sleeping accommodation for human beings. A family is also
17 considered homeless for the purpose of this section if the family
18 has received a notice to pay rent or quit. The family shall
19 demonstrate that the eviction is the result of a verified financial
20 hardship as a result of extraordinary circumstances beyond their
21 control, and not other lease or rental violations, and that the family
22 is experiencing a financial crisis that could result in homelessness
23 if preventative assistance is not provided.

24 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)
25 a day shall be available to families of up to four members for the
26 costs of temporary shelter, subject to the requirements of this
27 paragraph. The fifth and additional members of the family shall
28 each receive fifteen dollars (\$15) per day, up to a daily maximum
29 of one hundred twenty-five dollars (\$125). County welfare
30 departments may increase the daily amount available for temporary
31 shelter as necessary to secure the additional bedspace needed by
32 the family.

33 (ii) This special need shall be granted or denied immediately
34 upon the family's application for homeless assistance, and benefits
35 shall be available for up to three working days. The county welfare
36 department shall verify the family's homelessness within the first
37 three working days and if the family meets the criteria of
38 questionable homelessness established by the department, the
39 county welfare department shall refer the family to its early fraud

1 prevention and detection unit, if the county has such a unit, for
2 assistance in the verification of homelessness within this period.

3 (iii) After homelessness has been verified, the three-day limit
4 shall be extended for a period of time which, when added to the
5 initial benefits provided, does not exceed a total of 16 calendar
6 days. This extension of benefits shall be done in increments of one
7 week and shall be based upon searching for permanent housing
8 which shall be documented on a housing search form; good cause;
9 or other circumstances defined by the department. Documentation
10 of a housing search shall be required for the initial extension of
11 benefits beyond the three-day limit and on a weekly basis thereafter
12 as long as the family is receiving temporary shelter benefits. Good
13 cause shall include, but is not limited to, situations in which the
14 county welfare department has determined that the family, to the
15 extent it is capable, has made a good faith but unsuccessful effort
16 to secure permanent housing while receiving temporary shelter
17 benefits.

18 (B) A nonrecurring special need for permanent housing
19 assistance is available to pay for last month's rent and security
20 deposits when these payments are reasonable conditions of securing
21 a residence, or to pay for up to two months of rent arrearages, when
22 these payments are a reasonable condition of preventing eviction.

23 The last month's rent or monthly arrearage portion of the
24 payment (i) shall not exceed 80 percent of the family's total
25 monthly household income without the value of CalFresh benefits
26 or special needs for a family of that size and (ii) shall only be made
27 to families that have found permanent housing costing no more
28 than 80 percent of the family's total monthly household income
29 without the value of CalFresh benefits or special needs for a family
30 of that size.

31 However, if the county welfare department determines that a
32 family intends to reside with individuals who will be sharing
33 housing costs, the county welfare department shall, in appropriate
34 circumstances, set aside the condition specified in clause (ii) of
35 the preceding paragraph.

36 (C) The nonrecurring special need for permanent housing
37 assistance is also available to cover the standard costs of deposits
38 for utilities which are necessary for the health and safety of the
39 family.

1 (D) A payment for or denial of permanent housing assistance
2 shall be issued no later than one working day from the time that a
3 family presents evidence of the availability of permanent housing.
4 If an applicant family provides evidence of the availability of
5 permanent housing before the county welfare department has
6 established eligibility for aid under this chapter, the county welfare
7 department shall complete the eligibility determination so that the
8 denial of or payment for permanent housing assistance is issued
9 within one working day from the submission of evidence of the
10 availability of permanent housing, unless the family has failed to
11 provide all of the verification necessary to establish eligibility for
12 aid under this chapter.

13 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
14 for the temporary shelter assistance and the permanent housing
15 assistance pursuant to this paragraph shall be limited to one period
16 of up to 16 consecutive calendar days of temporary assistance and
17 one payment of permanent assistance. Any family that includes a
18 parent or nonparent caretaker relative living in the home who has
19 previously received temporary or permanent homeless assistance
20 at any time on behalf of an eligible child shall not be eligible for
21 further homeless assistance. Any person who applies for homeless
22 assistance benefits shall be informed that the temporary shelter
23 benefit of up to 16 consecutive days is available only once in a
24 lifetime, with certain exceptions, and that a break in the consecutive
25 use of the benefit constitutes permanent exhaustion of the
26 temporary benefit.

27 (ii) A family that becomes homeless as a direct and primary
28 result of a state or federally declared natural disaster shall be
29 eligible for temporary and permanent homeless assistance.

30 (iii) A family shall be eligible for temporary and permanent
31 homeless assistance when homelessness is a direct result of
32 domestic violence by a spouse, partner, or roommate; physical or
33 mental illness that is medically verified that shall not include a
34 diagnosis of alcoholism, drug addiction, or psychological stress;
35 or, the uninhabitability of the former residence caused by sudden
36 and unusual circumstances beyond the control of the family
37 including natural catastrophe, fire, or condemnation. These
38 circumstances shall be verified by a third-party governmental or
39 private health and human services agency, except that domestic
40 violence may also be verified by a sworn statement by the victim,

1 as provided under Section 11495.25. Homeless assistance payments
2 based on these specific circumstances may not be received more
3 often than once in any 12-month period. In addition, if the domestic
4 violence is verified by a sworn statement by the victim, the
5 homeless assistance payments shall be limited to two periods of
6 not more than 16 consecutive calendar days of temporary assistance
7 and two payments of permanent assistance. A county may require
8 that a recipient of homeless assistance benefits who qualifies under
9 this paragraph for a second time in a 24-month period participate
10 in a homelessness avoidance case plan as a condition of eligibility
11 for homeless assistance benefits. The county welfare department
12 shall immediately inform recipients who verify domestic violence
13 by a sworn statement pursuant to clause (iii) of the availability of
14 domestic violence counseling and services, and refer those
15 recipients to services upon request.

16 (iv) If a county requires a recipient who verifies domestic
17 violence by a sworn statement to participate in a homelessness
18 avoidance case plan pursuant to clause (iii), the plan shall include
19 the provision of domestic violence services, if appropriate.

20 (v) If a recipient seeking homeless assistance based on domestic
21 violence pursuant to clause (iii) has previously received ~~homeless~~
22 *homelessness* avoidance services based on domestic violence, the
23 county shall review whether services were offered to the recipient
24 and consider what additional services would assist the recipient
25 in leaving the domestic violence situation.

26 (vi) The county welfare department shall report to the
27 department through a statewide homeless assistance payment
28 indicator system, necessary data, as requested by the department,
29 regarding all recipients of aid under this paragraph.

30 (F) The county welfare departments, and all other entities
31 participating in the costs of the CalWORKs program, have the
32 right in their share to any refunds resulting from payment of the
33 permanent housing. However, if an emergency requires the family
34 to move within the 12-month period specified in subparagraph
35 (E), the family shall be allowed to use any refunds received from
36 its deposits to meet the costs of moving to another residence.

37 (G) Payments to providers for temporary shelter and permanent
38 housing and utilities shall be made on behalf of families requesting
39 these payments.

1 (H) The daily amount for the temporary shelter special need for
2 homeless assistance may be increased if authorized by the current
3 year's Budget Act by specifying a different daily allowance and
4 appropriating the funds therefor.

5 (I) No payment shall be made pursuant to this paragraph unless
6 the provider of housing is a commercial establishment, shelter, or
7 person in the business of renting properties who has a history of
8 renting properties.

9 (g) A child who ~~is~~ *has been removed from his or her home and*
10 *detained or placed in the home of a relative caregiver and is the*
11 *subject of a petition filed under Section 300, 601, or 602, or is the*
12 *subject of a voluntary placement agreement, as defined in*
13 *subdivision (p) of Section 11400, shall also receive the following*
14 *amounts:*

15 (1) Reimbursement for the cost of reasonable travel for the child
16 to remain in the school in which he or she is enrolled at the time
17 of placement, *in an amount determined in the manner provided in*
18 *subdivision (b) of Section 11460.*

19 (2) A specialized care increment, as defined by, and in an
20 amount determined in the manner provided in, subdivision (e) of
21 Section 11461.

22 (3) A clothing allowance, in an amount determined in the
23 manner provided in subdivision (f) of Section 11461.

24 (4) *An infant supplement, in an amount determined in the*
25 *manner provided in subdivision (b) of Section 11465 for a child*
26 *in a foster family home.*

27 (5) *A rate to address the extraordinary care and supervision*
28 *needs of a child who is a consumer of regional center services, in*
29 *an amount determined in the manner provided in Section 11464.*

30 (h) The department shall establish rules and regulations ensuring
31 the uniform application statewide of this section.

32 (i) The department shall notify all applicants and recipients of
33 aid through the standardized application form that these benefits
34 are available and shall provide an opportunity for recipients to
35 apply for the funds quickly and efficiently.

36 (j) Except for the purposes of Section 15200, the amounts
37 payable to recipients pursuant to Section 11453.1 shall not
38 constitute part of the payment schedule set forth in subdivision
39 (a).

1 The amounts payable to recipients pursuant to Section 11453.1
2 shall not constitute income to recipients of aid under this section.

3 (k) For children receiving Kin-GAP pursuant to Article 4.5
4 (commencing with Section 11360) or Article 4.7 (commencing
5 with Section 11385) there shall be paid, exclusive of any amount
6 considered exempt as income, an amount of aid each month, which,
7 when added to the child's income, is equal to the rate specified in
8 Sections 11364 and 11387.

9 (l) (1) This section shall become operative on April 1, 2013. A
10 county shall implement the semiannual reporting requirements in
11 accordance with the act that added this section *Chapter 501 of the*
12 *Statutes of 2011*, no later than October 1, 2013.

13 (2) Upon implementation described in paragraph (1), each
14 county shall provide a certificate to the director certifying that
15 semiannual reporting has been implemented in the county.

16 (3) Upon filing the certificate described in paragraph (2), a
17 county shall comply with the semiannual reporting provisions of
18 this section.

19 *SEC. 4. Section 11465 of the Welfare and Institutions Code is*
20 *amended to read:*

21 11465. (a) When a child is living with a parent who receives
22 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
23 behalf of the parent shall include an amount for *infant supplement*
24 *to cover the cost of care and supervision of the child.*

25 (b) For each category of eligible licensed community care
26 facility, as defined in Section 1502 of the Health and Safety Code,
27 the department shall adopt regulations setting forth a uniform rate
28 to cover the cost of care and supervision of the child in each
29 category of eligible licensed community care facility.

30 (c) (1) On and after July 1, 1998, the uniform rate to cover the
31 cost of care and supervision of a child pursuant to this section shall
32 be increased by 6 percent, rounded to the nearest dollar. The
33 resultant amounts shall constitute the new uniform rate.

34 (2) (A) On and after July 1, 1999, the uniform rate to cover the
35 cost of care and supervision of a child pursuant to this section shall
36 be adjusted by an amount equal to the California Necessities Index
37 computed pursuant to Section 11453, rounded to the nearest dollar.
38 The resultant amounts shall constitute the new uniform rate, subject
39 to further adjustment pursuant to subparagraph (B).

1 (B) In addition to the adjustment specified in subparagraph (A),
2 on and after January 1, 2000, the uniform rate to cover the cost of
3 care and supervision of a child pursuant to this section shall be
4 increased by 2.36 percent, rounded to the nearest dollar. The
5 resultant amounts shall constitute the new uniform rate.

6 (3) Subject to the availability of funds, for the 2000–01 fiscal
7 year and annually thereafter, these rates shall be adjusted for cost
8 of living pursuant to procedures in Section 11453.

9 (4) On and after January 1, 2008, the uniform rate to cover the
10 cost of care and supervision of a child pursuant to this section shall
11 be increased by 5 percent, rounded to the nearest dollar. The
12 resulting amount shall constitute the new uniform rate.

13 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
14 payment made pursuant to this section for care and supervision of
15 a child who is living with a teen parent in a whole family foster
16 home, as defined in Section 11400, shall equal the basic rate for
17 children placed in a licensed or approved home as specified in
18 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
19 11461.

20 (2) The amount paid for care and supervision of a dependent
21 infant living with a dependent teen parent receiving AFDC-FC
22 benefits in a group home placement shall equal the infant
23 supplement rate for group home placements.

24 (3) The caregiver shall provide the county child welfare agency
25 or probation department with a copy of the shared responsibility
26 plan developed pursuant to Section 16501.25 and shall advise the
27 county child welfare agency or probation department of any
28 subsequent changes to the plan. Once the plan has been completed
29 and provided to the appropriate agencies, the payment made
30 pursuant to this section shall be increased by an additional two
31 hundred dollars (\$200) per month to reflect the increased care and
32 supervision while he or she is placed in the whole family foster
33 home.

34 (4) In any year in which the payment provided pursuant to this
35 section is adjusted for the cost of living as provided in paragraph
36 (1) of subdivision (c), the payments provided for in this subdivision
37 shall also be increased by the same procedures.

38 (5) A Kin-GAP relative who, immediately prior to entering the
39 Kin-GAP program, was designated as a whole family foster home
40 shall receive the same payment amounts for the care and

1 supervision of a child who is living with a teen parent they received
2 in foster care as a whole family foster home.

3 (6) On and after January 1, 2012, the rate paid for a child living
4 with a teen parent in a whole family foster home as defined in
5 Section 11400 shall also be paid for a child living with a nonminor
6 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
7 pursuant to Section 11403.

8 ~~SEC. 4.~~

9 *SEC. 5.* Section 11477.02 of the Welfare and Institutions Code
10 is amended to read:

11 11477.02. (a) Prior to referral of any individual or recipient,
12 or that person's case, to the local child support agency for child
13 support services under Section 17400 or 17404 of the Family Code,
14 the county welfare department shall determine if an applicant or
15 recipient has good cause for noncooperation, as set forth in Section
16 11477.04. If the applicant or recipient claims a good cause
17 exception at any subsequent time to the county welfare department
18 or the local child support agency, the local child support agency
19 shall suspend child support services until the county welfare
20 department determines the good cause claim, as set forth in Section
21 11477.04. If good cause is determined to exist, the local child
22 support agency shall suspend child support services until the
23 applicant or recipient requests their resumption, and shall take
24 such other measures as are necessary to protect the applicant or
25 recipient and the children. If the applicant or recipient is the parent
26 of the child for whom aid is sought and the parent is found to have
27 not cooperated without good cause as provided in Section
28 11477.04, the applicant's or recipient's family grant shall be
29 reduced by 25 percent for such time as the failure to cooperate
30 lasts.

31 (b) Consistent with Section 17552 of the Family Code, if aid is
32 paid under this chapter on behalf of a child who is under the
33 jurisdiction of the juvenile court and whose parent or guardian is
34 receiving reunification services, the county welfare department
35 shall determine, prior to referral of the case to the local child
36 support agency for child support services, whether the referral is
37 in the best interest of the child, taking into account both of the
38 following:

39 (1) Whether the payment of support by the parent will pose a
40 barrier to the proposed reunification in that the payment of support

1 will compromise the parent's ability to meet the requirements of
2 the parent's reunification plan.

3 (2) Whether the payment of support by the parent will pose a
4 barrier to the proposed reunification in that the payment of support
5 will compromise the parent's current or future ability to meet the
6 financial needs of the child.

7 ~~SEC. 5.~~

8 *SEC. 6.* Section 13758 is added to the Welfare and Institutions
9 Code, to read:

10 13758. (a) Every youth who is in foster care and has been
11 determined to be ineligible for AFDC-FC benefits shall be screened
12 by the county for potential eligibility for the federal Supplemental
13 Security Income program utilizing the best practice guidelines
14 developed pursuant to Section 13752.

15 (b) An application shall be submitted to the federal Social
16 Security Administration on behalf of a youth who is screened as
17 being likely to be eligible for federal Supplemental Security Income
18 benefits.

19 ~~SEC. 6.~~

20 *SEC. 7.* No appropriation pursuant to Section 15200 of the
21 Welfare and Institutions Code shall be made for purposes of
22 implementing this act.

23 ~~SEC. 7.~~

24 *SEC. 8.* If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.